



## *Nai- Supporting Afghanistan Open Media*

### **Media Watch Report**

#### **Afghan Journalism Freedom Report # 16**

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The spread of fighting and insecurity in the southern and eastern provinces of Afghanistan presents a set of new challenges to the media. Due to the nature of their work, reporters must cover breaking stories, which often takes them to battle zones.

Among the most disturbing developments, the Taliban have officially threatened reporters who quote international forces regarding casualty figures and other details of the fighting. State authorities, meanwhile, have also harassed and physically attacked journalists. The Free Journalist Association has expressed serious concern about the matter.

In this report, Media Watch has followed the following issues:

- Mullah Dadullah, a prominent Taliban commander, threatened reporters with death.
- Two reporters of Radio Da Soli Paigham were injured in Khost, while cases of violence and intimidation against reporters were reported in Paktika and Kabul.
- Arman-e-Millie editor in chief Mir Haider Mutaher, was detained by the National Security Department for six hours.
- Italian photojournalist Gabriele Torsello is freed from his unknown kidnapers.
- Jabul Seraj Radio Sulh reporter Abdul Qudoos still awaits trial
- Seminar convened for provincial directors of the state-owned RTA (Radio Television Afghanistan).

## **1. Taliban commander threatens journalists with death**

In a July 31 interview with the Associated Press, Taliban commander for the southern districts Mullah Dadullah accused journalists of working in the service of the Afghan government and its international backers. Dadullah said journalists who reported Nato figures of Taliban battlefield casualties would be killed. "If journalists engage in the publication of lies [told by] the international Coalition forces, they will be killed," he said. "Reporters of open media in Afghanistan act as the international Coalition forces means of propaganda."

The threat was issued after media outlets reported that more than 200 Taliban fighters were killed in fighting in the south. The Taliban said those figures were exaggerated.

In his threat, Mullah Dadullah claimed the killing of journalists who publish such reports is authorized and supported under Islamic Law (sharia).

Meanwhile, Coalition Forces spokesman John Paradis explained how casualty figures are obtained. "When the operations are over or even when the fighting is going on, reports are prepared by the head of the operations and are submitted to the command center by means of communications," Paradis said. "The command center then organizes and regulates the received reports."

Reports based on information from the command center of the Coalition forces meet journalism standards which require reporting on who, where and when operations are carried out.

Rahimullah Samandar, chairman of the Free Journalist Association in Kabul, regarded the Taliban threat as serious. "The most important thing among the principles of journalism is the safety of a journalist's life," Samandar said. "In principle, a journalist is not supposed to put his or her life in danger to gather facts."

Samandar also noted that reporters are unable to access the battlefields. "For example, if there is a news-related conference and a journalist will go to Noor Jahan Hotel and share his or her report with all journalists residing in Kandahar. Taliban too have a complaint about the fact that reporters are reporting from Noor Jahan Hotel of Kandahar and that they have been notified that in this war X number of people died and X number were injured. It's not possible to report about the war from the Noor Jahan Hotel."

Concerning the accuracy of battlefield statistics, Ministry of Defense spokesman General Zahir Azim told Media Watch: "In any incident journalists themselves observe and are close witnesses to such events. There have been many cases when the coalition forces have acknowledged that they had killed a certain number of enemy fighters, while we have rejected such claims and have declared to the media the figures we had. The

coalition forces data might have been right, but our documents wouldn't confirm them. The government, as opposed to the Taliban, has provided accurate news information to the media. Journalists have witnessed cases such as suicide attacks or combat operations where only one person died while the Taliban claimed 15 dead."

Speaking on media workers' safety, Ministry of Interior spokesman Zamarai Bashari told Media Watch that: "The police are obligated to cooperate with reporters to ensure their safety and to take measures for their security. Whenever journalists feel they are in danger, the police have to ensure their security with particular attention and seriousness. Sometimes there are exceptional circumstances, where a risk against life is deemed to be present. In such cases, the police may hinder the work of journalists because of the dangers which threaten journalists. Therefore, police regard themselves responsible to safeguard journalists against dangers."

The National Security Department is also responsible for the safety of journalists. Department officials declined to speak to Media Watch.

Media Watch believes that ensuring the safety of life and work for journalists is an obligation of governments and becomes an even more serious issue in situations of war and insecurity. Journalists too must not forget to follow safety measures and avoid putting themselves at risk. Journalists should strive to protect their lives, and in a country like Afghanistan where access to accurate and impartial information is difficult work in times of war, journalists must take extra measures to be safe. The murder of BBC reporter Mirwais Jalil during the civil war in 1992 is a clear example the dangers.

## **2. Two reporters injured in a suicide attack in Khost and a reporter for Paktika Zhagh beaten in Sharan City**

Journalists are continuing to face immense obstacles while reporting as violence across the south and east continues to escalate.

In September, Paktia Governor Hakim Taniwalwas assassinated in a suicide attack outside his office in the provincial capital of Gardez. A second suicide blast during his funeral ceremony killed six more and injured several, including Radio Da Soli Paigham reporter Asghar Akbari and RTA cameraman Mir Abdul Sattar. At time of writing, the reporters were still receiving treatment for their injuries. Meanwhile, RTA reporter Saeed Najimi was threatened by funeral attendees after his colleagues were injured. He told Media Watch in a telephone conversation that the pallbearers, who had lost six of their relatives and were very angry, threatened him and prevented him from filing his report.

In another incident, Obaidulla Sarrauzawal, a reporter for Radio Paktika Ghag in Sharan, Paktika was beaten by four armed soldiers as he was preparing a report. He told Media Watch:

“Some weeks ago, when I wanted to prepare a report concerning an incident in the province, four soldiers of the national army who were nearby asked me to show them my telephone. I refused to do so and they asked me to show my telephone license to them. I showed them the license and in addition, summoned a person from the company that sold the telephone to me. But they [the soldiers] beat me as well as the owner of the mentioned company.”

Ministry of Defense spokesman Zahir Azimi rejected the claim. “We try our best to maintain a strong relation with media and the press and this is a mutual need,” he told Media Watch “The press needs news and facts and we need to convey our message to the people. Therefore, there is a cordial cooperation between us. If such an incident occurred, we will definitely pursue it and will find the reasons.”

One of the organs which must act as an advocate for freedom of journalists is the Ministry of Culture and Youth Affairs. Minister Abdul Kareem Khuram told the Media Watch: “In the absence of urgent circumstances if any one hinders the work of reporters, and the Ministry of Culture and Youth Affairs is informed about the matter, the ministry will definitely take action and follow up on the case.”

Harassment, abuse and physical force against journalists is a breach of the Constitution and the Media Law. The laws stipulate that reporters and citizens have a right to seek and obtain information as they desire. Abuse of power and the unlawful actions of security authorities create an environment of repression and block access to information. The war is narrowing the space for freedom of expression, particularly for those reporting from the provinces. Media Watch believes that the current conditions for media workers parallel the lack of freedoms during the decades of war in which independent media was banned.

On July 30, a suicide attack in the Hootkhel district of Kabul killed three police officers and injured several. Pajhwak Afghan News reporter Khalid Mowahed was heading to the site of the bombing to when the vehicle carrying him was shot at by Coalition soldiers. He escaped unharmed.

“I was moving along the same road in a normal manner to the scene of the accident,” Mowahed told Media Watch “My car was shot from an unknown side. I stopped the vehicle and walked. Three bullets had been shot at my vehicle, one of which had hit my car. The shooting was done by Coalition Forces and I had to walk for ten minutes to get to the scene.” According to Mowahed, his car carried the Pajhwak logo and was recognizable from the distance he was shot at.

Minister of Culture and Youth Affairs Abdul Kareem Khuram said the ministry does not follow up on cases where journalists are threatened by security forces during. “Preventing

obstacles for journalists in the course of reporting under normal conditions is my obligation. If journalists are shot by mistake in situations where a suicide attack has occurred and security forces do not let any one get close to the scene, I have no idea who will investigate and follow up such a case.”

Coalition spokesman John Paradis said he had no knowledge of the incident. Paradis told Media Watch: “With regard to this accident, I don’t know what the truth was as I was not there,” he said. “It is possible that our forces might have resorted to such an action, but it is against our adopted laws and is regarded as a violation committed by our soldiers.”

The case of the Pajhwak reporter is not an isolated incident. Given the escalating violence, reporters covering security incidents and traveling in areas where military operations are ongoing are in great danger with little guarantee for their safety and protection.

### **3. National Security Department detains Arman e Millie editor Mir Haider Mutahar for six hours.**

Mir Haider Mutahar, editor-in-chief of Arman-e-Millie Daily, was detained by the National Security Department for six hours, apparently in response to publishing an article that included a rumor that the Taliban had entered Kabul for 48 hours. The story was published on Aug. 21, issue 117.

“When we published this news, the national security authorities arrested me,” Mutahar told Media Watch “I spent six hours under detention. An inquiry was made and I provided information to their satisfaction so I was set free. My detention was illegal. If they had any questions, they should have first approached the Commission on Media Violations at the Ministry of Culture and Youth Affairs, and thus I would have answered their questions through the commission.

According to the Media Law, any apparent offenses must be reviewed by the Commission on Media Violations, which will examine the matter and refer the the case for judicial prosecution, if necessary. Otherwise, the media agency or journalist will be subject to a fine or acquitted of the charges. Media Watch believes National security officials violated the rule of law in the case of the Amran-e Millie editor.

Minister of Culture and Youth Affairs Abdul Kareem Khuram, who chairs the Commission on Media Violations, told Media Watch: “The chief editor of Arman Daily was detained due to printing a news clip which was regarded as an urgent issue and convening the meeting of the commission and discussing the matter required time,” Khuram said. “Now, I don’t think he was tortured, arrested, or affronted. All over the world it is customary for the state authorities to act rapidly to acquire information in such

cases. Since this was a sensitive news item and related to the security of the country, the national security authorities engaged in such an action.”

However, deputy chairman of the National Association of Journalists in Afghanistan Sayed Hamid Noori said the arrest of Mutahar was unlawful. “The arrest of Mr. Mutahar is in violation of laws governing freedom of speech and freedom of media, and it went against the media law,” he said. “Currently, laws don’t authorize the National Security Department to detain a reporter without justification and in the absence of consultation with journalist institutions.”

Media Watch believes that imprisonment of journalists, pursuant to the media law, is applicable only when the complainant submits a complaint in writing to the Commission on Media Violations and the commission, upon deliberation, determines if the matter should be referred to judicial prosecution. A reporter may only be arrested following official charges by legal authorities.

Media Watch hopes that those who are charged with enforcing laws will not violate the laws and those reporters will regard them as their supporters, not their enemies. In this event, freedom of speech and reporters' safety can be guaranteed.

#### **4. Gabriele Torsello, an Italian photo journalist, freed from captivity of an unknown group**

Gabriele Torsello, a kidnapped Italian journalist, was released from captivity on Nov. 3, 2006. Torsello was kidnapped three weeks earlier by unknown gunmen while traveling on a bus near Kandahar.

Torsello, who is based in London, told Pajhwak Afghan News Agency prior to his kidnapping that he wanted to travel to rural districts to take pictures. His kidnappers claimed to be Taliban member, but they later told Pajhwak that they were Muslims fighting against foreign troops. A Taliban spokesman, Qari Mohammad Yusuf, condemned the kidnapping of Torsello. His kidnappers, believed to be criminals, offered to hand Torsello over in return for an Afghan convert to Christianity, who had been granted asylum in Italy. They later demanded that Italian troops who are part of Nato should withdraw from Afghanistan.

After his release, Torsello was taken to the Italian Emergency Hospital in Lashkar Gah, Helmand. He was later transferred to Kabul. Speaking at a news conference at the Italian Embassy, Torsello said: “I was deprived of the sun for 23 days and they had fastened my hands and feet with chains.” He did know the identity of his abductors, saying that their faces were covered.

Gabriele Torsello expressed his gratitude for the efforts by the Afghan and Italian governments to secure his release. Neither governments have released details of their involvement in his release, but they have denied paying a ransom.

The case highlights the continued threat that lawlessness in the country has on the ability of media workers to move about the country freely and report on events. Last month, two journalists working for Deutsche Welle were murdered by unknown gunmen while camping in the northern province of Baghlan. The lack of security also continues to impact Afghan journalists who face similar obstacles, including threats of death, kidnapping and robbery.

#### **5. Abdul Qudoos, reporter for Radio Sulh still awaits trial.**

Media Watch condemns the lack of due process and calls for a resolution in the case of detained journalist Abdul Qudoos, who has been imprisoned for more than nine months without trial.

According to Afghan law, defendants are entitled to a trial within 40 days after charges are brought against them. Abdul Qudoos - who is a reporter for Radio Sulh in Jabul Saraj, Parwan - was arrested in February while attending a journalism course at the Nai-Supporting Open Media in Afghanistan training center in Kabul. He was arrested based on accusations made by National Assembly member Samea Sadat that he made a failed attempt on her life.

His case has only recently been referred to the Primary Court on Crimes against Domestic and Foreign Security.

Media Watch tried to interview the complainant Sadat and Abdul Baset Delawari, who heads the Court on Crimes against Domestic and Foreign Security. Both refused to provide information or comment on the pending case.

Media Watch believes the case highlights abuse of power by influential politicians. It is clear that Sadat, a Member of Parliament, used her influence in the government to press for his unlawful arrest. Furthermore, Abdul Qudoos was arrested by Parwan province police, who have no jurisdiction in Kabul. His prolonged detention and the lack of due process also indicate further abuses of power and a lack of respect for the rule of law.

#### **6. Seminar of provincial directors of State TV channels convened.**

Provincial directors of RTA television affiliates attended a training seminar held in Kabul on August 20. Several directors of domestic and foreign media outlets based in Kabul also attended the seminar.

Minister of Culture and Youth Affairs Abdul Kareem Khuram, deputy minister for publications Rashid Mubariz and deputy minister for tourism Naeem Farahi were among the keynote speakers.

Khuram said the seminar's aim was to discuss better reporting methods in provincial stations and to increase coordination between Kabul and the regional affiliates Regional Television Departments.

“We hope that this seminar will be able to provide adequate information concerning provincial radio and TV,” Khuram said.

Rashid Mubariz said: “Media outlets are operating as a family and we think the family has a pivotal role in the national development and security, which requires adequate attention.”

Other speakers included Haji Sayyid Dawud, editor-in-chief of Erada Daily and head of Afghan Publication Center and Aimal Pesarlay, who heads the BBC office in Kabul. Both spoke on modern journalism and reporting.

Some regional directors expressed concern that the Ministry of Culture and Youth Affairs would attempt to place provincial television networks under its control. Directors said regional affiliates operate independently under the supervision of the national television, which according to the law is independent from the ministry.

Amanullah Khalilyar, director for provincial TV administrations in the National TV Directorate, rejected these claims, saying that the national TV is not independent, operating under the control of the Ministry of Culture and Youth Affairs. Khalilyar said former minister Sayyid Makhdoom Raheen, had stated that “From now on, I have no thing to do [with the National TV] and the national TV is free.”

However, neither in the past, nor now, has RTA been independent, Khalilyar said. “Right now, all administrative affairs [of the TV] are discharged through the ministry and we have not noticed freedom and independence of the National TV,” he added. “The National Commission on Broadcast of the TV and the chairman has no power concerning hiring and transfer of employees, and presently the national TV obtains its broadcast policy from the Ministry of Culture and Youth.”

However, article 31 of the Media Law states that National TV is free from ministry control. RTA is guided by the National Commission on Broadcast of TV.

Open media in Afghanistan continue to face multiple problems and challenges due to the ongoing war, lack of security and enforcement and respect for the rule of law by state authorities and the public.

Nevertheless, the increase in the number of audio-visual and print media - and growth in the level of professionalism and ethical journalism - raises hopes that in the future, if society obeys the rule of law, the media will be able to play an instrumental role in providing unfettered information access to the Afghan population.

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